

1 Christopher A. Carr (#444444)
2 ccarr@afrcr.com
3 ANGLIN, FLEWELLING, RASMUSSEN
4 CAMPBELL & TRYTTEN, LLP
5 199 S. Los Robles Avenue, Suite 600
6 Pasadena, California 91101-2459
7 Tel: (626) 535-1900, Fax: (626) 577-7764

8 Attorneys for Defendant,
9 AMERICAN MORTGAGE NETWORK, INC.,
10 n/k/a VERTICE

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

14 EFREN RAMIN, et al.,

15 Plaintiffs

16 vs.

17 MORTGAGE ELECTRONIC REGISTRATION
18 SYSTEMS, INC., et al.,

19 Defendants.

Case No. CV08-05131 CW

STIPULATION TO REMAND ACTION
TO STATE COURT and ~~PROPOSED~~
ORDER

20 COME NOW plaintiffs EFREN RAMIN and VICTORIA RAMIN, by and through their
21 counsel of record, Ollie P. Manago, and defendant AMERICAN MORTGAGE NETWORK,
22 INC., now known as VERTICE (“Vertice”), by and through its counsel of record, Christopher A.
23 Carr of Anglin, Flewelling, Rasmussen, Campbell & Trytten, LLP, and stipulate as follows:

24 1. Plaintiffs filed this action in the Superior Court of California for the County of Contra
25 Costa on September 8, 2008; it was assigned #MSC08-02235. A First Amended Complaint was
26 filed on September 11, 2008.

27 2. On November 12, 2008, Vertice removed the action to this Court on the basis that
28 Federal questions existed. At that time, Vertice was unaware that any other defendants named in
the First Amended Complaint might have been served. A check of the Contra Costa court

1 website right before the Notice of Removal was filed did not reflect service on any other
2 defendant.

3 3. However, another check of the website a few days later showed that in fact service had
4 been effectuated, on November 5 as to defendant Cal Western Reconveyance and on November 6
5 as to defendant U.S. Bank; these entries on the website were not made until November 12.

6 4. On November 21, before it had notice of the removal, Cal Western filed a demurrer to
7 the First Amended Complaint in Contra Costa Superior Court.

8 5. No defendant other than Vertice has filed any papers in this Court.

9 ////

10 ////

11 ////

12 ////

13 ////

14 ////

15 ////

16 ////

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

JAN-05-2009 16:09

AFRCT, LLP

626 577 7764 P.04

1 6. In order to eliminate confusion and unnecessary duplication of actions, plaintiffs and
2 Vertice hereby stipulate that the action may be remanded to Contra Costa Superior Court.

3
4 SO STIPULATED.

5 Dated: January 5, 2009

6 ANGLIN, FLEWELLING, RASMUSSEN,
7 CAMPBELL & TRYTTEN LLP

8 By: 

Christopher A. Carr

ccarr@afrcr.com

Attorneys for Defendant AMERICAN
MORTGAGE NETWORK, INC., n/k/a
VERTICE

11 Dated: January 5, 2009

12 LAW OFFICES OF OLLIE P. MANAGO

13
14 By: 

Ollie P. Manago

Attorneys for Plaintiffs

15
16
17 Upon reading and filing the foregoing stipulation, and good cause appearing,
18 IT IS ORDERED that this action is hereby remanded to the Superior Court of California for
19 the County of Contra Costa.

20 Dated: January 9, 2009

21 

22 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the city of Pasadena, California; my business address is Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below I served a copy of the following document(s): **STIPULATION TO REMAND ACTION TO STATE COURT and PROPOSED ORDER** on all interested parties in said case addressed as follows:

Served Electronically via Court's CM/ECF System:

(Names of Parties Here)

Served by Other Means:

Ollie P. Manago, Esq.
LAW OFFICES OF OLLIE P. MANAGO
3460 Wilshire Boulevard, Suite 202
Los Angeles, CA 90010

(Name/Address/Fax/Email of Those Served by Other Means Here; check appropriate box)

☒ **BY MAIL:** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Pasadena, California, in sealed envelopes with postage fully thereon.

☐ **BY OVERNIGHT MAIL:** I deposited the foregoing document in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served.

☐ **BY PERSONAL SERVICE:** I personally delivered such envelope to the addressee or his/her/its address above by hand.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Pasadena, California, on January 7, 2009.

Jill Ashley
(Print name)


(Signature)